

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
62nd LEGISLATURE - REGULAR SESSION**

HOUSE HUMAN SERVICES COMMITTEE

Date: Monday, February 14, 2011
Place: Capitol

Time: 3:00 PM
Room: 152

BILLS and RESOLUTIONS HEARD:

HB 409 - Clarify laws relating to provider rates commission
HB 410 - Establish principles for social service provider rates
HB 437 - Providing medicaid coverage for orientation and mobility services

EXECUTIVE ACTION TAKEN:

HB 429 HB 409 HB 289
HB 389 HB 227
HB 410 HB 139

Comments:



REP. David Howard, Chair

HOUSE OF REPRESENTATIVES
Roll Call
HUMAN SERVICES COMMITTEE

DATE: 2/14/2011

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. DAVID HOWARD, CHAIR	✓	
REP. CARY SMITH, VICE CHAIR		✓
REP. LIZ BANGERTER	✓	
REP. STEVE FITZPATRICK		✓
REP. TIM FUREY	✓	
REP. ELLIE BOLDMAN HILL	✓	
REP. CHUCK HUNTER	✓	
REP. PAT INGRAHAM	✓	
REP. DAN KENNEDY	✓	
REP. MICHAEL MORE	✓	
REP. PAT NOONAN, VICE CHAIR	✓	
REP. CAROLYN PEASE-LOPEZ	✓	
REP. JOE READ	✓	
REP. DAN SKATTUM	✓	
REP. MAX YATES	✓	

BILL TABLED NOTICE

HOUSE HUMAN SERVICES COMMITTEE

The HOUSE HUMAN SERVICES COMMITTEE TABLED HB 139 - Repeal provider rate commission, by motion, on Monday, February 14, 2011.

Miranda Keaster
(For the Committee)

[Signature]
(For the Chief Clerk of the House)

7:30 2/15
(Time) (Date)

February 15, 2011

Miranda Keaster, Secretary

Phone: 7353



HOUSE STANDING COMMITTEE REPORT

February 14, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 409** (first reading copy -- white) **do pass**.

Signed: _____

David Howard
Representative David Howard, Chair

- END -

Committee Vote:

Yes 14, No 0

Fiscal Note Required ☐

HB0409001SC.hgh

Handwritten initials and date:
JH 2/15
9 AM



HOUSE STANDING COMMITTEE REPORT

February 14, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 410** (first reading copy -- white) **do pass**.

Signed: _____

David Howard
Representative David Howard, Chair

- END -

Committee Vote:

Yes 14, No 0

Fiscal Note Required ☐

HB0410001SC.hgh

*11/2/15
9am*

BILL TABLED NOTICE

HOUSE HUMAN SERVICES COMMITTEE

The HOUSE HUMAN SERVICES COMMITTEE TABLED HB 284 - Discontinue state employee efforts related to federal health care reform, by motion, on Tuesday, February 15, 2011.

Miranda Keaster

(For the Committee)

JL

(For the Chief Clerk of the House)

12:30, 2/16

(Time)

(Date)

February 16, 2011

Miranda Keaster, Secretary

Phone: 7353



HOUSE STANDING COMMITTEE REPORT

February 14, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 389** (first reading copy -- white) **do pass as amended.**

Signed: _____

Representative David Howard, Chair

And, that such amendments read:

1. Page 1, line 18.

Strike: "fine"

Insert: "civil penalty"

Following: "violation"

Insert: ", which must be distributed as provided in 3-10-601(3)"

2. Page 1, line 19.

Strike: subsection (4) in its entirety

- END -

Committee Vote:

Yes 8, No 7

Fiscal Note Required ____

HB0389001SC.hgh

11/2/15
9AM



HOUSE STANDING COMMITTEE REPORT

February 14, 2011

Page 1 of 4

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 429** (first reading copy -- white) **do pass as amended.**

Signed: _____

Representative David Howard, Chair

And, that such amendments read:

1. Title, page 1, line 8.

Strike: "TELEMEDICINE"

Insert: "ELECTRONIC MEANS TO CONDUCT EXAMS"

2. Title, page 1, line 10.

Following: "SECTIONS"

Insert: "37-1-316,"

3. Page 1, line 15.

Insert: "**Section 1.** Section 37-1-316, MCA, is amended to read:

"**37-1-316. Unprofessional conduct.** The following is unprofessional conduct for a licensee or license applicant governed by this part:

(1) conviction, including conviction following a plea of nolo contendere, of a crime relating to or committed during the course of the person's practice or involving violence, use or sale of drugs, fraud, deceit, or theft, whether or not an appeal is pending;

(2) permitting, aiding, abetting, or conspiring with a person to violate or circumvent a law relating to licensure or certification;

(3) fraud, misrepresentation, deception, or concealment of a material fact in applying for or assisting in securing a license or license renewal or in taking an examination required for licensure;

Committee Vote:

Yes 10, No 5

Fiscal Note Required ____

HB0429001SC.hgh

*11/15
9 AM*

(4) signing or issuing, in the licensee's professional capacity, a document or statement that the licensee knows or reasonably ought to know contains a false or misleading statement;

(5) a misleading, deceptive, false, or fraudulent advertisement or other representation in the conduct of the profession or occupation;

(6) offering, giving, or promising anything of value or benefit to a federal, state, or local government employee or official for the purpose of influencing the employee or official to circumvent a federal, state, or local law, rule, or ordinance governing the licensee's profession or occupation;

(7) denial, suspension, revocation, probation, fine, or other license restriction or discipline against a licensee by a state, province, territory, or Indian tribal government or the federal government if the action is not on appeal, under judicial review, or has been satisfied;

(8) failure to comply with a term, condition, or limitation of a license by final order of a board;

(9) revealing confidential information obtained as the result of a professional relationship without the prior consent of the recipient of services, except as authorized or required by law;

(10) use of alcohol, a habit-forming drug, or a controlled substance as defined in Title 50, chapter 32, to the extent that the use impairs the user physically or mentally in the performance of licensed professional duties;

(11) having a physical or mental disability that renders the licensee or license applicant unable to practice the profession or occupation with reasonable skill and safety;

(12) engaging in conduct in the course of one's practice while suffering from a contagious or infectious disease involving serious risk to public health or without taking adequate precautions, including but not limited to informed consent, protective gear, or cessation of practice;

(13) misappropriating property or funds from a client or workplace or failing to comply with a board rule regarding the accounting and distribution of a client's property or funds;

(14) interference with an investigation or disciplinary proceeding by willful misrepresentation of facts, by the use of threats or harassment against or inducement to a client or witness to prevent them from providing evidence in a disciplinary proceeding or other legal action, or by use of threats or harassment against or inducement to a person to prevent or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted, or completed;

(15) assisting in the unlicensed practice of a profession or occupation or allowing another person or organization to practice or offer to practice by use of the licensee's license;

(16) failing to report the institution of or final action on a malpractice action, including a final decision on appeal,

against the licensee or of an action against the licensee by a:

- (a) peer review committee;
- (b) professional association; or
- (c) local, state, federal, territorial, provincial, or Indian tribal government;

(17) failure of a health care provider, as defined in 27-6-103, to comply with a policy or practice implementing 28-10-103(3)(a);

(18) conduct that does not meet the generally accepted standards of practice. A certified copy of a malpractice judgment against the licensee or license applicant or of a tort judgment in an action involving an act or omission occurring during the scope and course of the practice is conclusive evidence of but is not needed to prove conduct that does not meet generally accepted standards;

(19) the sole use of any electronic means, including teleconferencing, to obtain the information required for the physician affidavit that would be used to petition a court for authorization for the medical use of marijuana as provided in Title 50, chapter 46."

Renumber: subsequent sections

4. Page 4, line 13.

Following: "perjury"

Insert: "-- confidentiality"

5. Page 8, line 14.

Following: "(16)"

Insert: "(a)"

6. Page 8, line 16.

Following: "affidavit,"

Insert: "and"

Following: "documentation"

Strike: ", and court order"

Insert: "are confidential and"

7. Page 8, line 20.

Following: "only"

Strike: "necessary"

Insert: "allowed by a court"

8. Page 8, line 22.

Strike: "(a)"

Insert: "(i)"

9. Page 8, line 24.

Strike: "(b)"

Insert: "(ii)"

10. Page 8.

Following: line 26

Insert: "(b) A court order allowing the medical use of marijuana by a petitioner is a public document."

11. Page 10, line 17.

Following: "(c)"

Insert: "except as provided in subsection (2),"

12. Page 10, line 25.

Following: "worship;"

Strike: "or"

13. Page 10.

Following: line 25

Insert: "(vii) in a health care facility as defined in 50-5-101; or"

Renumber: subsequent subsection

14. Page 10.

Following: line 26

Insert: "(2) A hospice licensed under Title 50, chapter 5, may adopt a policy that allows medical use of marijuana."

Renumber: subsequent subsections

- END -



HOUSE STANDING COMMITTEE REPORT

February 14, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 227** (first reading copy -- white) **do pass**.

Signed: _____

Representative David Howard, Chair

- END -

Committee Vote:

Yes 8, No 7

Fiscal Note Required ☐

HB0227001SC.hgh

11/2/15
gh

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE: 2/14/2011 BILL NO HB 139 MOTION NO. 1
 MOTION: _____

do pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CARY SMITH, VICE CHAIR		✓	proxy
REP. PAT NOONAN, VICE CHAIR		✓	
REP. LIZ BANGERTER		✓	
REP. STEVE FITZPATRICK		✓	
REP. TIM FUREY		✓	
REP. ELLIE BOLDMAN HILL		✓	
REP. CHUCK HUNTER		✓	
REP. PAT INGRAHAM		✓	
REP. DAN KENNEDY		✓	
REP. MICHAEL MORE		✓	
REP. CAROLYN PEASE-LOPEZ		✓	
REP. JOE READ		✓	
REP. DAN SKATTUM		✓	
REP. MAX YATES		✓	
REP. DAVID HOWARD, CHAIR		✓	

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE: 2/4/2011 BILL NO. HB 284 MOTION NO. 1
MOTION: _____

do pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CARY SMITH, VICE CHAIR	✓		proxy
REP. PAT NOONAN, VICE CHAIR		✓	
REP. LIZ BANGERter		✓	
REP. STEVE FITZPATRICK		✓	
REP. TIM FUREY		✓	
REP. ELLIE BOLDMAN HILL		✓	
REP. CHUCK HUNTER		✓	
REP. PAT INGRAHAM	✓		
REP. DAN KENNEDY	✓		
REP. MICHAEL MORE	✓		
REP. CAROLYN PEASE-LOPEZ		✓	
REP. JOE READ	✓		
REP. DAN SKATTUM	✓		
REP. MAX YATES		✓	
REP. DAVID HOWARD, CHAIR	✓		

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE: 2/14/2011 BILL NO HB 389 MOTION NO. 1

MOTION: be amended conceptually

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CARY SMITH, VICE CHAIR	✓		proxy
REP. PAT NOONAN, VICE CHAIR	✓		
REP. LIZ BANGERTER	✓		
REP. STEVE FITZPATRICK	✓		
REP. TIM FUREY	✓		
REP. ELLIE BOLDMAN HILL	✓		
REP. CHUCK HUNTER	✓		proxy
REP. PAT INGRAHAM		✓	
REP. DAN KENNEDY		✓	
REP. MICHAEL MORE	✓		
REP. CAROLYN PEASE-LOPEZ	✓		
REP. JOE READ		✓	
REP. DAN SKATTUM		✓	
REP. MAX YATES	✓		
REP. DAVID HOWARD, CHAIR		✓	

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE: 2/14/2011 BILL NO HB 389 MOTION NO. 2

MOTION: De tabled.

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CARY SMITH, VICE CHAIR		✓	proxy
REP. PAT NOONAN, VICE CHAIR		✓	
REP. LIZ BANGERTE		✓	
REP. STEVE FITZPATRICK		✓	
REP. TIM FUREY		✓	
REP. ELLIE BOLDMAN HILL		✓	
REP. CHUCK HUNTER		✓	proxy
REP. PAT INGRAHAM	✓		
REP. DAN KENNEDY	✓		
REP. MICHAEL MORE		✓	
REP. CAROLYN PEASE-LOPEZ		✓	
REP. JOE READ	✓		
REP. DAN SKATTUM	✓		
REP. MAX YATES	✓		
REP. DAVID HOWARD, CHAIR	✓		

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE: 2/14/2011 BILL NO. HB 389 MOTION NO. 1
 MOTION: _____

as fast as amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CARY SMITH, VICE CHAIR		✓	
REP. PAT NOONAN, VICE CHAIR	✓		
REP. LIZ BANGERTE	✓		
REP. STEVE FITZPATRICK	✓		
REP. TIM FUREY	✓		
REP. ELLIE BOLDMAN HILL	✓		
REP. CHUCK HUNTER	✓		
REP. PAT INGRAHAM		✓	proxy
REP. DAN KENNEDY		✓	
REP. MICHAEL MORE	✓		
REP. CAROLYN PEASE-LOPEZ	✓		
REP. JOE READ		✓	
REP. DAN SKATTUM		✓	
REP. MAX YATES		✓	
REP. DAVID HOWARD, CHAIR		✓	

8

7

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE: 2/14/2011 BILL NO HB 429 MOTION NO. 1

MOTION: be amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CARY SMITH, VICE CHAIR	✓		
REP. PAT NOONAN, VICE CHAIR		✓	
REP. LIZ BANGERter	✓		
REP. STEVE FITZPATRICK	✓		
REP. TIM FUREY		✓	
REP. ELLIE BOLDMAN HILL	✓		
REP. CHUCK HUNTER		✓	proxy
REP. PAT INGRAHAM	✓		
REP. DAN KENNEDY	✓		
REP. MICHAEL MORE	✓		
REP. CAROLYN PEASE-LOPEZ		✓	
REP. JOE READ	✓		
REP. DAN SKATTUM	✓		
REP. MAX YATES	✓		
REP. DAVID HOWARD, CHAIR	✓		

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE: 2/14/2011 BILL NO HB 429 MOTION NO. 2

MOTION: do pass as amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CARY SMITH, VICE CHAIR	✓		
REP. PAT NOONAN, VICE CHAIR		✓	
REP. LIZ BANGERTER	✓		
REP. STEVE FITZPATRICK	✓		
REP. TIM FUREY		✓	
REP. ELLIE BOLDMAN HILL		✓	
REP. CHUCK HUNTER		✓	✓
REP. PAT INGRAHAM	✓		
REP. DAN KENNEDY	✓		
REP. MICHAEL MORE	✓		
REP. CAROLYN PEASE-LOPEZ		✓	
REP. JOE READ	✓		
REP. DAN SKATTUM	✓		
REP. MAX YATES	✓		
REP. DAVID HOWARD, CHAIR	✓		

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE: 2/14/2011 BILL NO. HB 227 MOTION NO. 1
MOTION: _____

reconsider HB 227

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CARY SMITH, VICE CHAIR	✓		
REP. PAT NOONAN, VICE CHAIR		✓	
REP. LIZ BANGERTER		✓	
REP. STEVE FITZPATRICK	✓		
REP. TIM FUREY		✓	
REP. ELLIE BOLDMAN HILL		✓	
REP. CHUCK HUNTER			
REP. PAT INGRAHAM	✓		
REP. DAN KENNEDY	✓		
REP. MICHAEL MORE	✓		
REP. CAROLYN PEASE-LOPEZ		✓	
REP. JOE READ	✓		
REP. DAN SKATTUM	✓		
REP. MAX YATES	✓		
REP. DAVID HOWARD, CHAIR	✓		

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE: 2/14/2011 BILL NO HB 227 MOTION NO. 2
 MOTION: _____

do pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CARY SMITH, VICE CHAIR	✓		
REP. PAT NOONAN, VICE CHAIR		✓	
REP. LIZ BANGERter		✓	
REP. STEVE FITZPATRICK	✓		
REP. TIM FUREY		✓	
REP. ELLIE BOLDMAN HILL		✓	
REP. CHUCK HUNTER		✓	✓
REP. PAT INGRAHAM		✓	
REP. DAN KENNEDY	✓		
REP. MICHAEL MORE	✓		
REP. CAROLYN PEASE-LOPEZ		✓	
REP. JOE READ	✓		
REP. DAN SKATTUM	✓		
REP. MAX YATES	✓		
REP. DAVID HOWARD, CHAIR	✓		

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Human Services

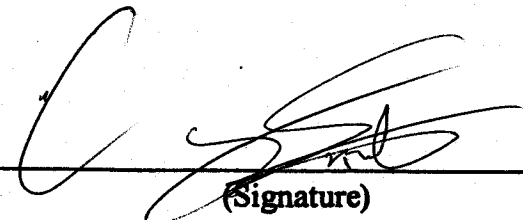
Committee because of other commitments. I desire to leave my proxy vote with:

Rep. More

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB - 139		X
HB - 409	X	
HB - 410	X	
HB - 284	X	
HB - 389 (table)		X
Concept. Amendmt	X	
HB - 139		X

BILL/AMENDMENT	AYE	NO

Rep.  _____
(Signature)

Date 14 Feb. 2011

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the Human Services

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Noonan

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB 389 As Amended	✓	
AMEND	✓	
Table motion		✓
HB 429 As Amended		✓
Amendment		✓
HB 227		✓

BILL/AMENDMENT

AYE NO

Rep. Chuck Hunter
(Signature)

Date 2/14/11

HUMAN SERVICES COMMITTEE

BILL NO: HB409 & HB410

BRIEF DESCRIPTION: Rate Commission

PLEASE PRINT

S:\Standing Committees\Human Services\HumServVisReg2011.wpd

Montana House of Representatives Visitors Register

HUMAN SERVICES COMMITTEE

DATE: 2/14/11

BILL NO: HB 437

SPONSOR(S): Jean Price

BRIEF DESCRIPTION: Medicaid for O & M

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name	Representing	Support	Oppose	Inform'l
Jerry Huth	MAB / BVA	✓		
Kristy Kuntz	MT. Ind. Living	✓		
Melanie Bush	WALK by Faith Vision	✓		
Selena Bush	my daughter	✓		
CLIM FITEBERG	INTERMOUNTAIN	✓		
Lora Covel	Intermountain - MCI			
Beck Breuneman	Disability Rights Montana	✓		
Steve Gettel	MT School for the Deaf and Blind	✓		
Steve York				✓